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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,998	04/12/2001	Judith L. Erb	3060.00018	6598

7590 05/31/2006
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EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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20060526

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Commissioner for Patents

The reply filed on 4/10/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed on 4/10/2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because Claim 65 is directed to an apparatus and claims 66-70 are directed for measuring binding affinity. In the paper of 27 May 2004, Applicant elected to prosecute the invention of the method of making a fiber.

Newly submitted claims 65-70 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 65-70 require a light source an annularizing means, and a processing means or the use thereof. The originally presented, elected, search and examined claims do not require any of these things. Thus the originally presented method can be made by a materially different apparatus. It is clear that these new claims would place a large and undue burden on the Office. As per MPEP 819: "The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter."

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 65-70 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

John Hoffmann
Primary Examiner
Art Unit: 1731

5-26-06